

**Housing Element  
And  
Fair Share Plan  
Of The  
City of Brigantine  
Atlantic County,  
New Jersey**

Adopted: December 8, 2008

# **Housing Element**

**City of Brigantine  
Atlantic County**

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It is certified that all copies of this document are in conformance with the one signed and sealed by Shirley M. Bishop, P.P., License #2575

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**CITY OF BRIGANTINE, ATLANTIC COUNTY  
HOUSING ELEMENT**

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HOUSING ELEMENT**

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CITY OF BRIGANTINE  
ATLANTIC COUNTY

HOUSING ELEMENT

PREFACE

The City of Brigantine's heritage began in the 1500s when the Lenape Indians called the island their "summer playground." The name "Brigantine" came from a type of 1600s ship. During the American Revolution, American pirates hid in the city's north and south inlets and would attack unwary or disabled British ships.

Several attempts were made to develop Brigantine during the late 1800s and these attempts were successful what with a railroad connecting to Philadelphia, trolleys, steamboats and hotels. Hard times and harsh storms ended this boom in the early 1900s. During the 1920s, Brigantine experienced large-scale development and after a bridge was constructed linking Atlantic City and Brigantine, a land boom ensued.

Brigantine survived major storms in 1944 and 1962 building to the present year-round population of 12,594.

The city consists of 4,089 acres. The developable area accounts for 1,956 acres or approximately 48 percent. The area attributed as undevelopable coastal wetlands occupies 2,082 acres or approximately 51 percent and is under the jurisdiction of the New Jersey Department of Environmental Protection (DEP).

Brigantine is surrounded by Galloway Township to the north; the Atlantic Ocean to the east and south; the Brigantine Inlet to the east and Atlantic City to the south and west.

According to the Fair Housing Act, a municipality's housing element must be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low and moderate income housing. The regulations of the Council on Affordable Housing (COAH), N.J.A.C. 5:97 et seq., delineate a municipality's strategy for addressing its present and prospective housing needs, and as such, each municipality's housing element must contain the following:

1. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing for the 10 years subsequent to the adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals for development and probable residential development of lands;

3. Adoption of the housing element, taking into account, but not necessarily limited to, construction permits issued, approvals for development and probable residential development of lands;
4. An analysis of the municipality's demographic characteristics, including, but not limited to, household size, income level and age;
5. An analysis of the existing and probable future employment characteristics of the municipality;
6. A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing;
7. A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
8. A map of all sites designated by the municipality for the production of low and moderate income housing and a listing of each site that includes its owner, acreage, lot and block;
9. The location and capacities of existing and proposed water and sewer lines and facilities relevant to the designated sites;
10. Copies of necessary applications for sewer service and water quality management plans submitted pursuant to Sections 201 and 208 of the Federal Clean Water Act, 33 U.S.C. §1251, et seq.;
11. A copy of the most recently adopted municipal master plan and, where required, the immediately preceding, adopted master plan;
12. For each designated site, a copy of the New Jersey Freshwater Wetlands map where available. When such maps are not available, municipalities shall provide appropriate copies of the National Wetlands Inventory maps provided by the U.S. Fish and Wildlife Service;
13. A copy of appropriate United States Geological Survey Topographic Quadrangles for designated sites; and
14. Any other documentation pertaining to the review of the municipal housing element as may be required by the Council.

## **I. INVENTORY OF BRIGANTINE CITY'S HOUSING STOCK**

### **A. Age**

More than one-half or 51.6 percent of the city's housing stock was built between 1970 and 1989. Brigantine has a total housing stock of 9,304 units.

**TABLE 1**

<b><u>Dates of Construction</u></b>	<b><u>Age of Housing Units</u></b>	<b><u>Percent of Total 1990</u></b>
	<b><u>Structures</u></b>	
1939 or earlier	318	3.4
1940 - 1949	400	4.3
1950 - 1959	1,177	12.7
1960 - 1969	1,769	19.0
1970 - 1979	2,284	24.6
1980 - 1989	2,516	27.0
1990 - 2000 (March)	840	9.0
2000 TOTAL UNITS	9,304	100

Source: 2000 U.S. Census

Units built before 1949 and contain 1.01 or more persons per room are highly correlated with substandard housing indicators. This is an index utilized by COAH in determining the Rehabilitation Share. In Brigantine, 718 units or seven percent of the housing stock was built before 1949. This is generally an important indicator in calculating Brigantine's Rehabilitation Share and explains why Brigantine's Rehabilitation Share is 11 units.

### **B. Condition**

Rehabilitation Share is the total deficient housing signaled by selected housing unit characteristics unique to each community. It is assumed that units so indicated will be prime candidates for rehabilitation. Characteristics indicating a need for rehabilitation are:

- (1) Persons per Room. 1.01 or more persons per room is an index of overcrowding.
- (2) Plumbing Facilities. Inadequate plumbing is indicated by either a lack of exclusive use of plumbing or incomplete plumbing facilities.
- (3) Kitchen Facilities. Inadequate kitchen facilities are indicated by shared use of a kitchen or the non-presence of a sink with piped water, a stove or a refrigerator.

These characteristics of deficient housing are nationally recognized indicators of housing inadequacy. Each one, properly identified and not double-counted or multiplied, is enough to

signal the call for unit rehabilitation. This is true not solely because the characteristics specified is itself debilitating but rather signals a unit that is either old or missing a basic component of normal housing services. These characteristics exist at the municipal level, are reported by the U.S. Census such that they can be isolated and not over counted, and individually indicate the need for structure rehabilitation.

The age of Brigantine's housing stock has been presented in Table 1. Tables 2 through 4 address the above surrogates of deficient housing.

**TABLE 2**

**Persons Per Room**

<b>Persons Per Room</b>	<b>Occupied</b>	<b>Owner Occupied</b>	<b>Renter Occupied</b>
1.01 to 1.50	101	31	70
1.51 to 2.00	79	13	66
2.01 or more	0	0	0

**TOTAL**

Source: 2000 U.S. Census

**TABLE 3**

**Plumbing Facilities**

	<b><u>Total Units</u></b>
Complete plumbing facilities	9,297
Lacking complete plumbing facilities	7

Source: 2000 U.S. Census

**TABLE 4**

**Kitchen Facilities**

Complete kitchen facilities	9,291
Lacking complete kitchen facilities	13

Source: 2000 U.S. Census

Based on the above, COAH has determined that Brigantine has 11 housing units that are substandard and occupied by low and moderate income households.

### C. Purchase and Rental Value

Approximately 58 percent of the owner-occupied housing units in Brigantine had values between \$100,000.00 and \$174,999.00. The median value was \$144,400.00.

**TABLE 5**

**Owner-Occupied Housing**  
**Unit Values**

	<u>Units</u>	<u>Percent</u>
Less than \$15,000	7	0.2
\$15,000 - \$19,999	0	
\$20,000 - \$24,999	0	
\$25,000 - \$29,999	0	
\$30,000 - \$34,999	0	
\$35,000 - \$39,999	0	
\$40,000 - \$49,999	0	0
\$50,000 - \$59,999	13	0.4
\$60,000 - \$79,999	61	2.1
\$80,000 - \$99,999	332	11.6
\$100,000 - \$124,999	539	18.8
\$125,000 - \$149,999	623	21.7
\$150,000 - \$174,999	524	18.3
\$175,000 - \$199,999	280	9.8
\$200,000 - \$249,999	189	6.6
\$250,000 - \$299,999	160	5.6
\$300,000 - \$399,999	84	2.9
\$400,000+	57	2.0
<b>TOTAL</b>	<b>2,869</b>	<b>100</b>

Median Value                      \$144,400

Source:     2000 U.S. Census

The median contract rent was \$685.00 per month.

Approximately 58 percent of the monthly rents were between \$700 and \$1,249.

**TABLE 6****Contract Rent Values**

<b><u>With cash rent:</u></b>	<b><u>Units</u></b>	<b><u>Percent</u></b>
\$0-\$149	0	0
\$150-\$199	6	0.3
\$200-\$349	25	1.3
\$350-\$499	68	3.4
\$500-\$599	246	12.4
\$600-\$649	154	7.7
\$650-\$699	153	7.7
\$700-\$799	303	15.2
\$800-\$999	561	28.2
\$1,000-\$1,249	290	14.6
\$1,250 or more	63	3.2
No cash rent	121	6.0
Total	1,990	100
Median Gross Rent	\$685.00	

Source: 2000 U.S. Census

#### **D. Occupancy Characteristics and Types**

Approximately 37 percent of the occupied housing in Brigantine is owner occupied. Approximately 21 percent of the occupied housing stock is rental. There is a total of 9,304 housing units in Brigantine. There were 3,831 units or 41 percent not occupied at the time of the 2000 census, which is reflective of a resort community.

**TABLE 7**

#### **Tenure and Vacancy**

	<b>Housing Units</b>	<b>PCT</b>
Total	9,304	100
Occupied:		
Owner occupied	3,483	37.4
Renter occupied	1,990	21.4
Vacant	3,831	41.2

Source: 2000 U.S. Census

#### **E. Units Affordable to Low and Moderate Income Households**

Units are affordable to low and moderate income households if the maximum sales price or rent is set within a COAH specified formula. A moderate income household is a household whose gross family income is more than 50 percent of median income, but less than 80 percent of median income for households of the same size within the housing region. A low income household is a household whose gross family income is equal to or less than 50 percent of median gross household income for a household of the same size within the housing region for Brigantine. Brigantine is in Region 6, which encompasses Atlantic, Cape May, Cumberland and Salem counties.

Using the current 2008 regional income limits adopted by COAH, a four-person Atlantic County median household income is estimated at \$64,793. A moderate-income four-person household would earn a maximum of \$51,834 (80 percent of regional median) and a four-person low-income household would earn a maximum of \$32,397 (50 percent of regional median).

Income levels for one, two, three and four person households as of 2008 are given below:

**TABLE 8**

**2008 Low and Moderate Regional Incomes**

<b>Income</b>	<b>1 person</b>	<b>2 persons</b>	<b>3 persons</b>	<b>4 persons</b>
Median	\$45,355	\$51,834	\$58,314	\$64,793
Moderate	\$36,284	\$41,468	\$46,651	\$51,834
Low	\$22,678	\$25,917	\$29,157	\$32,397

Source: COAH, 2008 Income Limit.

Based on the qualifying formula in N.J.A.C. 5:80-26, the monthly cost of shelter which includes mortgage (principal and interest), taxes, insurance and homeowners or condominium association fees, may not exceed 28 percent of gross monthly household income based on a five percent downpayment. In addition, moderate income sales units must be available for at least three different prices and low income sales units available for at least two different prices. The maximum sales price must be affordable to households earning no more than 70 percent of median income and average a range of affordability of 55 percent.

Under COAH regulations, rents including utilities, may not exceed 30 percent of gross monthly income.

According to N.J.A.C. 5:80-26.3(c), the average rent must now be affordable to households earning 52 percent of median income. The maximum rents must be affordable to households earning no more than 60 percent of median income. In averaging 52 percent, one rent may be established for a low income unit and one rent for a moderate income unit for each bedroom distribution. The utility allowance must be consistent with the utility allowance approved by HUD and utilized in New Jersey. In addition, at least 13 percent of all affordable units in Brigantine must be affordable to households earning no more than 30 percent of median income.

Brigantine currently has no low or moderate income units that are deed restricted or funded through a government program from April 1980 to the present.

## **II. PROJECTION OF HOUSING STOCK**

### **A. Building Permits**

According to the New Jersey Department of Labor, Residential Building Permits Issued, 367 new residential building permits were issued in Brigantine from 1990 through 1999. From 2000 through August 2008, there were 659 new residential building permits issued.

## **B. Future Construction of Low and Moderate Income Housing**

Brigantine will address the future construction of low and moderate income housing in the Fair Share Plan.

## **III. DEMOGRAPHIC CHARACTERISTICS**

### **A. Population**

The population in Brigantine increased by 10.9 percent between 1900 and 2000. Table 10 illustrates the figures.

**TABLE 9**

#### **Population**

<b>Year</b>	<b>Population</b>
1990	11,354
2000	12,594

Source: 1990 and 2000 U.S. Census

The majority or 58 percent of Brigantine's population is 44 years or younger as seen in Table 11. However, Brigantine has 28 percent of its population 55 years of age or older with 181 persons over the age of 85 years.

**TABLE 10**

**Population Characteristics**

**SELECTED POPULATION CHARACTERISTICS FOR BRIGANTINE**

	<b><u>Number</u></b>	<b><u>Percentage</u></b>
<b><u>TOTAL POPULATION</u></b>	12,594	100
<b><u>SEX</u></b>		
Male	6,039	
Female	6,555	
<b><u>AGE</u></b>		
Under 5 years	649	5.2
5 to 17 years	1,976	15.7
18 to 20 years	339	2.7
21 to 24 years	316	2.5
25 to 44 years	4,038	32.0
45 to 54 years	1,745	13.9
55 to 59 years	746	5.9
60 to 64 years	716	5.7
65 to 74 years	1,269	10.1
75 to 84 years	619	4.9
85 years and over	181	1.4

Source: 2000 U.S. Census

**B. Household Size and Type**

A household profile of Brigantine shows that there were 5,473 households with a total household population of 12,594 in 2000. The average number of persons per household was 2.3.

**TABLE 11**  
**Household Profile 2000**

	<b><u>Total Number</u></b>
Households	5,473
Population of households	12,594
Persons per household	2.3

Source: 2000 U.S. Census

**TABLE 12**  
**Household Type and Relationship**

Total	12,594
In family households:	9,889
 In non-family households:	 2,704
 In group quarters:	
institutionalized persons	0
non-institutionalized population	1

Source: 2000 U.S. Census

**TABLE 13**  
**Type of Housing Units by Structure**

<b>Units in Structure</b>	<b>Total Units</b>	<b>PCT</b>
Owner occupied	3,483	
1, detached	2,378	68.3
1, attached	533	15.3
2 to 4 units	355	10.2
5 to 9 units	19	0.5
10 to 19	93	2.7
20 to 49	32	.9
50 or more	73	2.1
 Renter occupied	 1,990	
1, detached	301	15.1
1, attached	295	14.8
2 to 4 units	870	43.7
5 to 9 units	192	9.7
10 to 19	188	9.5
20 to 49	101	5.0
50 or more	43	2.2
 TOTAL	 5,473	 100

Source: 2000 U.S. Census

### **C. Income Level**

Brigantine had approximately 55 percent of households with incomes less than \$50,000 according to the 2000 census.

**TABLE 14**  
**Brigantine Household Income**

<b><u>Household Income</u></b>	<b><u>Number</u></b>	<b><u>Percent</u></b>
\$0 - 9,999	377	6.9
\$10,000-\$14,999	327	6.0
\$15,000-\$19,999	378	6.9
\$20,000-\$24,999	362	6.6
\$25,000-\$29,999	311	5.7
\$30,000-\$34,999	363	6.6
\$35,000-\$39,999	250	4.6
\$40,000-\$44,999	399	7.3
\$45,000-\$49,999	277	5.1
\$50,000-\$59,999	669	12.2
\$60,000-\$99,999	1,158	21.1
\$100,000-\$124,999	273	5.0
\$125,000-\$149,999	144	2.6
\$150,000 or more	185	3.4
Total Households	5,473	100

Median Income    \$44,639

Source: 2000 U.S. Census

### **D. Age**

The age of the Brigantine population has been discussed under Section III, Demographic Characteristics, A. Population.

### **E. Marital Status**

In 2000, there were more women than men over the age of 15 years in Brigantine. There were about the same number of males and females that never married. There were about the same number of women widowed or divorced, but far fewer males widowed than females.

**TABLE 15**

**Sex by Marital Status - Persons 15 Years and over**

Marital Status	Total	Male	Female
Total	10,344	4,893	5,451
Never Married	2,694	1,462	1,232
Now Married	5,688	2,714	2,974
Separated	409	136	273
Widowed	776	139	637
Divorced	1,764	578	608
Other	143	72	71

Source: 2000 U.S. Census

#### IV. EXISTING AND PROBABLE FUTURE EMPLOYMENT CHARACTERISTICS

Of the Brigantine residents employed in the civilian labor force, 65 percent are in managerial and professional specialty occupations and/or service occupations.

**TABLE 16**

**Occupation**  
**Employed Persons 16 Years and Over**

**Male:**

Management, professional & related occupations	935
Sales and office occupations	516
Service occupations	1,209
Farming, forestry & fishing occupations	29
Construction, extraction & maintenance occupations	355
Production, transportation & material moving occupations	289
TOTAL	3,333

**Female:**

Management, professional & related occupations	909
Sales & office occupations	950
Service occupations	1,136
Farming, forestry & fishing occupations	0
Construction, extraction & maintenance occupations	18
Production, transportation & material moving occupations	61
TOTAL	3,074
Total Employed	6,407

Source: 2000 U.S. Census

As to the covered employment number for Brigantine, according to the New Jersey Department of Labor, State Data Center, Brigantine had a covered employment number of 223 in 2003.

**TABLE 17**  
**Municipality by Industry**

<b><u>BRIGANTINE</u></b>	<b><u>ANNUAL AVERAGE UNITS</u></b>	<b><u>AVERAGE</u></b>
Construction	35	115
Manufacturing		
Wholesale trade	4	4
Retail trade	31	253
Transportation and warehousing		
Information		
Finance and insurance	8	59
Real estate and rental and leasing	12	67
Professional and technical services	17	80
Administrative and waste services	16	100
Health care and social assistance	18	221
Arts, entertainment, and recreation	14	100
Accommodation and food services	27	351
Other services, except public administration	27	82
Unclassified entities		
PRIVATE SECTOR MUNICIPALITY TOTAL	219	1,454
FEDERAL GOVT MUNICIPALITY TOTAL	2	28
LOCAL GOVT MUNICIPALITY TOTAL	2	371

*Source: NJ DOL, Employment and Wage Data, 2003*

Brigantine is a bedroom community for Atlantic City and employment is limited to small retail and restaurant activity. There are no new trends in employment in the City. As to employment outlook, when the tourists arrive in the summer, the retail and restaurant establishments hire additional employees and then lay them off in the other months.

## **V. TOTAL OBLIGATION FOR REHABILITATION AND PRIOR ROUND**

### **A. Rehabilitation Share**

COAH has determined that Brigantine's Rehabilitation Share is 11 units.

### **B. Prior Round Obligation**

Brigantine's Prior Round obligation is now 124. Brigantine has prepared a vacant land analysis to reflect that there is no vacant and developable land in the city that is 0.5 acres and above.

## **VI. GROWTH SHARE**

Brigantine does NOT accept the household and employment projections in Appendix F of the COAH rules. The city has undertaken an extensive analysis of existing land capacity and concludes that there are NO vacant and developable sites within Brigantine of 0.25 acres and above. In addition, the city has subtracted all residential demolitions from residential certificates of occupancy accrued from January 2004 through June 2008 to arrive at a realistic Growth Share obligation of four units.

## **VII. ANALYSIS OF EXISTING AND FUTURE ZONING TO ACCOMMODATE GROWTH PROJECTIONS**

Brigantine believes that its existing zoning is sufficient to accommodate its Growth Share obligation based on the affordable housing option selected.

### **A. Availability of Existing and Planned Infrastructure**

The Brigantine Department of Public Works provides potable water via approximately 53 miles of water main. The water is pumped from the Atlantic City 800-foot sand aquifer by five wells. Three water towers are used to store the water. These towers have a capacity of 2.25 million gallons. Similar to the potable water system, the sanitary sewer system consists of approximately 53 miles of sewer main. Once the wastewater is collected into the system, it travels to the City Island Plant in Atlantic City. This facility is operated by the Atlantic County Utilities Authority (ACUA). The Atlantic County Master Plan indicates that the ACUA is undertaking a capacity assurance study to determine if actual wastewater could be treated without a major capital expansion.

### **B. Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Demographic Characteristics**

The 2003 Brigantine Master Plan states that future land use patterns will concentrate on preserving the character of the individual planning areas while molding the development of the existing vacant land. The residential development should maintain and preserve existing single-family developments and discourage multi-family development designed to attract speculative investment as a primary objective. Like many communities, Brigantine's older population has continued to grow and residential policies appropriate for older families should be examined, according to the 2003 plan.

### **C. Anticipated Land Use Patterns**

The beachfront lots in Brigantine are typically fully developed with existing dwellings. The existing dwellings located on these lots are being removed or demolished for the construction of large homes, this land use pattern is expected to continue. In addition, the Master Plan recommends second floor accessory apartments as a conditional use with low-density neighborhoods being maintained and multi-family dwellings no longer a permitted use. There is no vacant and developable land in the city that could support a Prior Round obligation or a Growth Share obligation.

### **D. Economic Development Policies**

Brigantine will focus its economic development strategies on the three commercial centers of Lighthouse CBD, City Hall CBD and North End commercial space. The Master Plan recommends Bed and Breakfast Inns be permitted in areas adjacent to existing commercial districts. It is believed that the development of this type of business would encourage both an

economic and tourism boost to the Island. The Master Plan also recommends the development of Eco-Tourism based projects. The city has built an Observation Platform that will be used in conjunction with an Environmental Education Area in the preserved north end of the island.

E. Constraints on Development

1. State and Federal Regulations:

Brigantine is under the jurisdiction of CAFRA and has coverage limitations. In addition, the State Development and Redevelopment Plan (SDRP) has identified the city as an Environmentally Sensitive/Barrier Island Planning Area with a designation of PA 5 B.

2. Land ownership patterns:

Coastal wetlands account for the largest land area in Brigantine with 2,082 acres. These lands fall under the jurisdiction of the New Jersey Department of Environmental Protection. Approximately 37 percent of the occupied housing in Brigantine is owner-occupied with 21 percent of the occupied housing stock as rentals. At the time the census was taken, 41 percent of the housing stock was not occupied because Brigantine is a seasonal resort community.

3. Incompatible land uses:

There are no known incompatible land uses. However, Brigantine is discouraging multi-family development and encouraging traditional single-family dwellings as the main source of housing.

4. Sites needing remediation:

There are no known sites needing remediation in Brigantine.

5. Environmental constraints:

Brigantine is impacted by floodwater.

6. Existing or planned measures to address any constraints:

The city has continued implementation of programs that minimize the impacts of damage by floodwater. Bulkhead and seawall ordinances have been put in place to provide better and new protection against rising tides. The city has encouraged homeowners to purchase Federal Flood Insurance. Finally, Brigantine has continued to maintain and enforce the Development Restriction Line along the beach and dune system.

# **FAIR SHARE PLAN**

City of Brigantine  
Atlantic County

## **I. PREFACE**

A municipality's affordable housing obligation is cumulative, and includes affordable housing need for the period 1987 to 2018. The affordable housing obligation consists of three components:

- Rehabilitation Share (2000)
- Prior Round Obligation (1987-1999)
- Growth Share (2000-2018)

A municipality's Rehabilitation Share is a measure of old, crowded, deficient housing that is occupied by low- and moderate-income households. Rehabilitation Share numbers from each prior round are replaced with the latest round number because the numbers are updated with each decennial census.

A municipality may receive credit for rehabilitation of low- and moderate-income deficient housing units completed after April 1, 2000 provided the units were rehabilitated up to the applicable code standard, the capital cost spent on rehabilitating a unit was at least \$10,000 and the units have the appropriate controls on affordability to ensure the unit remains affordable during the required period of time.

Rehabilitation credits cannot exceed the Rehabilitation Share and can only be credited against the rehabilitation component, not the new construction component.

The prior round obligation is the municipal new construction obligation from 1987 to 1999. All municipalities participating in the COAH process must use these figures. COAH continues to offer credits, reductions, and adjustments that may be applied against the Prior Round Obligation (1987-1999) for affordable housing activity undertaken from 1980 to 1999.

## **II. REHABILITATION SHARE**

The purpose of a rehabilitation program is to renovate deficient housing units. Deficient housing units are defined as units with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing, (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems. Upon rehabilitation, the housing deficiencies must be corrected and the unit must comply with the applicable code standard.

A municipality must demonstrate that it has the capability to administer a rehabilitation program by either designating an experienced employee to administer the program or entering into an agreement with a governmental agency or private consultant to administer all or some of the program. A municipality must provide the consultant or municipal employee's credentials to administer the program as well as a procedures manual.

Rental units cannot be excluded from a municipal rehabilitation program. There must be at least 10-year affordability controls placed on both owner-occupied units and rental units. For owner-occupied units, these controls may be in the form of a lien filed with the appropriate property's deed. For rental units, the controls must be in the form of a deed restriction and may also include a lien. Units rehabilitated after April 1, 2000 are eligible for credits against the third round Rehabilitation Share.

The municipal investment for the rehabilitation of a unit must be at least \$10,000 per unit. A municipality is also required to prepare and submit a rehabilitation manual to COAH that summarizes the administration of the rehabilitation program including an affirmative marketing plan. The affirmative marketing program must clearly describe the outreach efforts to be used in implementing the program.

### **Brigantine's Rehabilitation Share is 11 units.**

According to the Program Administrator of the Atlantic County Improvement Authority, eight homes have been rehabilitated since April 2000. Brigantine will continue to participate in the Atlantic County Improvement Authority's rehabilitation program. The Atlantic County Improvement Authority will complete the three remaining units of rehabilitation before 2018.

## **III. PRIOR ROUND OBLIGATION**

COAH has determined that Brigantine's Prior Round obligation is 124 units.

With a Rehabilitation Share of 11 units, Brigantine has a pre-credited need of 135 units.

### **A. Court Settlement and Status of Site**

B&J Realty II, LLC sued the City of Brigantine for exclusionary zoning on June 30, 2003. The site (Block 8102, Lot 1) that was the subject of the litigation is owned by B&J Realty. The site is located at Golf Course Drive/North Shore Drive and has a total acreage of 5.11 acres. The site is adjacent to what is now a municipally-owned golf course with an abandoned clubhouse located on the premises. At one point the property was in the common ownership of a privately owned and operated golf course. In the 1980s the property was the subject of an illegal subdivision that was litigated and resulted in the imposition of additional deed restrictions that reiterated local zoning.

The property was sold by Thomas Cocco to B&J in 1998. Brigantine was not involved in the transaction. The deed restriction was listed in B&J's title report as a deed restriction of record on the property and the zoning for the property precluded a residential use. As a result, B&J filed suit against Brigantine seeking the right to construct residential units including affordable housing. A settlement agreement was executed between B&J Realty and the city in June 2004. The settlement agreement is on file with COAH. In the settlement agreement, the Court released the tri-party deed restriction on the site. Additionally, in the settlement agreement, the city agreed to rezone the site to allow a minimum lot width and frontage of 50 feet and otherwise require compliance with the city's R-2 (residential) requirements. The settlement agreement

allowed the on-site development of 12 single-family homes and required a dedication of a portion of the site for open space consisting of 101,075 square feet. In return, B&J Realty agreed to a voluntary contribution of \$120,000 to be placed in the city's future Affordable Housing Trust Fund.

The site is the focus of an approval.

## **B. Vacant Land Adjustment**

Brigantine is requesting a vacant land adjustment because the city is fully developed.

If a municipality wishes to demonstrate that it does not have the capacity to address its affordable housing obligation, COAH states that a municipality must identify sites that are realistic for inclusionary development in order to calculate its realistic development potential (RDP).

Brigantine has included a copy of the vacant lots in Brigantine that were prepared by the tax assessor's office.

In developing an inventory of vacant lots that may accommodate five units, COAH has accepted 0.50 acres as the minimum acreage for land to be included in an RDP for the Prior Round.

Following is a listing of vacant lands in private ownership that either alone or combined with an adjacent lot (s) under the same ownership total 0.50 acres:

City of Brigantine – Vacant Lots .50 acre and larger

BLOCK & LOT	PROPERTY LOCATION	OWNER & ADDRESS	SIZE	ZONING	CONSTRAINT?
NEW B:1, L:1	ATL-BRIGANTINE BLVD	2-M REALTY, LLC, 800 OLD BRIDGE RD, BRIELLE, NJ 08730	34 ACRES		APPROVALS
NEW B:101, L:1.03	1400 E. BRIGANTINE AVE	SENTORE, ANTHONY J, JR & EVELYN, PO BOX 1109, BRIGANTINE, NJ 08203	6.27 ACRES		PIER RESTRICTED ACCESS
NEW B:3804, L:2	4205 BAYSHORE AVE	ATLANTIC CITY ELECTRIC CO C/O L. GASKO, 5100 HARDING HIGHWAY, GALLOWAY, NJ 08205	1 ACRE		EASEMENT
NEW B:5305, L:25	349 GULL COVE	BRIGANTINE COVES ASSOC 462 SEASHORE RD, CAPE MAY, NJ 08204	3.76 ACRES		OPEN SPACE DEED RESTRICTED
NEW B:5401, L:48	LAGOON BLVD - REAR	MOON BAY ASSOC C/O SHUBERT, S.M. PO BOX 875, ABSECON, NJ 08201	4.05 ACRES		OPEN SPACE UNDER WATER
NEW B:5401, L:50	LAGOON BLVD	BRIGANTINE COVES ASSOC 462 SEASHORE RD, CAPE MAY, NJ 08204	10.71 ACRES		WETLANDS
NEW B:5402, L:1	LAGOON BLVD	BRIGANTINE COVES ASSOC 462 SEASHORE RD, CAPE MAY, NJ 08204	33.24 ACRES		WETLANDS
NEW B:5002, L:2	4319 HARBOR BEACH BLVD	BAYSIDE DEVELOPMENT CORP PO BOX 616, BRIGANTINE, NJ 08203	3.1524 ACRES		DEV. APPROVAL
NEW B:801, L:1.01	349 8th STREET SO	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.77 ACRES		DEED RESTRICTED CONSERVATION
NEW B:1403, L:1	1600 OCEAN AVE	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.58 ACRES		CONSERVATION
NEW B:5303, L:1	415 LAGOON BLVD	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	1.77 ACRES		MARSHLAND
NEW B:5601, L:7	ATL-BRIGANTINE BLVD	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.54 ACRES		RIPARIAN GRANT
NEW B:5603, L:10	ATL-BRIGANTINE BLVD	CITY OF BRIGANTINE 1417 W. BRIGANTINE AVE, BRIGANTINE, NJ 08203	.66 ACRES		RIPARIAN GRANT
NEW B:8002, L:1	ROOSEVELT BLVD.	CITY OF BRIGANTINE, 1417 W. BRIGANTINE AVE., BRIGANTINE, NJ 08302	.52 ACRES		ISLAND
NEW B:8102, L:1.13	26 GOLF COURSE DR	CITY OF BRIGANTINE, 1417 W. BRIGANTINE AVE., BRIGANTINE, NJ 08302	.52 ACRES		OPEN SPACE
NEW B:8102, L:1.01 NEW B:8102, LOTS 1.03-1.12	2, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24 GOLF COURSE DRIVE	BRIGANTINE ON THE BAY, LLC 572 SNYDER AVENUE BERKELEY HEIGHTS, NJ 07922	5.8 ACRES		APPROVALS

As can be seen, there are no sites that are vacant and developable. All are either environmentally constrained, the focus of approvals, open space or unsuited for development.

As a result, Brigantine's unmet need is 124.

### **C. UNMET NEED**

There are no viable techniques for the city to address its unmet need obligation.

Most of the older housing stock in Brigantine is not of a size that lends itself to accessory apartments. The older housing stock is mainly on small lots that are not conducive to creating an apartment within an existing dwelling. There are no zones that are appropriate for inclusionary zoning or an overlay zone.

Brigantine has already adopted a development fee ordinance and those fees will be needed to address Brigantine's Growth Share obligation. As a result, Brigantine requests that COAH determine that Brigantine's unmet need is zero.

## **IV. GROWTH SHARE OBLIGATION**

The Fair Share Plan includes the projects and strategies to address an affordable housing obligation and any municipal ordinance in draft form that a municipality is required to adopt as a requirement of certification. The Fair Share Plan is based upon the municipal fair share obligation prepared by COAH. The planning board adopts the Fair Share Plan and it is endorsed by the governing body prior to the petition for substantive certification. The proposed implementing ordinances may be adopted prior to substantive certification but in any event must be adopted no later than 45 days after COAH grants substantive certification.

The Fair Share Plan consists of a proposal on how a municipality intends to provide for its affordable housing obligation. Once certified, the plan will be monitored by COAH to verify that the construction or provision of affordable housing is in proportion to the actual residential growth and employment growth.

COAH rules have a number of different provisions regulating the development of affordable housing. The options available to meet the 2000-2018 fair share obligation include:

- Municipal zoning
  - Zoning for inclusionary developments
  - Redevelopment districts/sites
- Municipally sponsored new construction and 100 percent affordable developments
- Alternative living arrangements
  - Permanent supportive housing
  - Group homes

- Congregate housing
  - Residential health care facilities
- Accessory apartments
- Market to affordable program
- Municipally sponsored rental program
- Assisted living residences
- Affordable housing partnership program
- Expanded crediting opportunities
- Extension of affordable units with expiring controls
- Age-restricted housing
- Rental housing with bonus credits
- Very low-income housing with bonus credit

## **V. ADJUSTMENT OF HOUSEHOLD AND EMPLOYMENT GROWTH PROJECTIONS**

Brigantine is in Planning Area 5B.

Brigantine has undertaken an analysis of existing land capacity and prepared a chart indicating vacant sites that are between 0.25 acres and 0.49 acres. The chart below reflects that there are no vacant sites that can accommodate one unit.

City of Brigantine – Vacant Lots 0.25 acre – 0.49 acre

BLOCK & LOT	PROPERTY LOCATION	OWNER & ADDRESS	SIZE	ZONING	CONSTRAINT?
NEW B:4303, L:73	SEASIDE RD	COQUILLE BEACH ASSOC PO BOX 3770, CHERRY HILL, NJ 08034	.2639 ACRE		UNDER WATER
NEW B:4303, L:74	4928 HARBOR BEACH BLVD	COQUILLE BEACH ASSOC PO BOX 3770, CHERRY HILL, NJ 08034	.3461 ACRE		UNDER WATER
NEW B:5401, L:47	1 DELMAR LANE	MOONBAY ASSOC C/O SHUBERT, S.M. PO BOX 875, ABSECON, NJ 08201	.30 ACRE		OPEN SPACE
NEW B:5604, L:1.01	ATL-BRIGANTINE BLVD	HANEMAN, H.F. ET. AL 470 W SHORE DRIVE, BRIGANTINE, NJ 08203	.4132 ACRE		RIPARIAN GRANT
NEW B:5604, L:2 NEW B:5604, L:3 NEW B:5604, L:4	4816 ATL-BRIGANTINE BLVD 4812 ATL-BRIGANTINE BLVD 4808 ATL-BRIGANTINE BLVD	WILLIA RAYE 2425 BAYSHORE AVENUE BRIGANTINE, NJ 08203	.30 ACRE		CONSERVATION ZONE
NEW B:804, L:22	801 W BRIGANTINE AVE	WAWA, INC-RED ROOF C/O GEN. LEDGER DEPT 260 W BALTIMORE PIKE, WAWA, PA 19063	.287 ACRE		PARKING LOT
NEW B:3803, L:5	3916 ATL-BRIGANTINE BLVD	WAWA, INC 260 W BALTIMORE OIKE, WAWA, PA 19063	.3306 ACRE		PAVED PARKING LOT
NEW B:5002, L:1	4321 HARBOR BEACH BLVD	BAYSIDE DEVELOPMENT CORP PO BOX 616, BRIGANTINE, NJ 08203	.42 ACRE		BULKHEAD PAVED
NEW B:5002, L:3	4317 HARBOR BEACH BLVD	BAYSIDE DEVELOPMENT CORP PO BOX 616, BRIGANTINE, NJ 08203	.4338 ACRE		DEV. APP.
NEW B:1502, L:6	223-231 14 <sup>TH</sup> STREET SO	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.27 ACRE		PARKING LOT
NEW B:2008, L:1	1504 BAYSHORE AVE	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.26 ACRE		PARK
NEW B:2008, L:2	1500 BAYSHORE AVE	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.27 ACRE		PARK
NEW B:2703, L:3	3010 BAYSHORE AVE	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.26 ACRE		MUNIC. PARKING LOT
NEW B:3502, L:12	4500 OCEAN FRONT	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.35 ACRE		BEACH FRONT
NEW B:4702, L:2	501 CASA DRIVE	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.25 ACRE		PAVED MUNIC LOT
NEW B:5602, L:10	ATL-BRIGANTINE BLVD	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.42 ACRE		RIPARIAN GRANT
NEW B:5602, L:10.01	ATL-BRIGANTINE BLVD	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.277 ACRE		RIPARIAN GRANT
NEW B:6810, L:1	ROOSEVELT BLVD	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.40 ACRE		CIRCLE
NEW B:6901, L:102	LINCOLN DRIVE	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.26 ACRE		PUMP STATION
NEW B:6901, L:112	ROOSEVELT BLVD	CITY OF BRIGANTINE 1417 W BRIGANTINE AVE, BRIGANTINE, NJ 08203	.26 ACRE		PUMP STATION

## VI. ACTUAL RESIDENTIAL AND NON-RESIDENTIAL GROWTH

The following charts illustrate Brigantines actual growth from January 2004 through June 2008:

Residential Growth

	2004	2005	2006	2007	2008	Total
Cos Issued	53*	61*	56	87	32	289
Demolition	84*	83*	58	30	11	266
Net						23

\* Verified and corrected by John Lago at NJ DCA 4/21/06

Non-Residential Growth

	2004	2005	2006	2007	2008	Total
Cos Issued	0	200 (0) .04	0	385 (MF) .04	340 (0) .06	.14
Demolitions	2,500 (B) .44 3,328 (A3) .33	200 (0) .04	16,317 (0) 2.86	1 (0) ;1 (MF)	1 (M)	3.23
Net						-3.09

As can be seen, there is a 4.6 or five unit residential Growth Share obligation and a zero non-residential Growth Share obligation. Brigantine believes that the realistic and rational calculation for determining a Growth Share obligation is to subtract demolitions.

As a result, Brigantine has prepared a plan to address a five-unit Growth Share obligation.

## VII. IMPLEMENTATION

Brigantine will initiate a five-unit Market to Affordable Program. Three will be market sale units and two will be existing market rentals.

Brigantine has a section known as Spartan Harbor within the city that has a housing stock that lends itself to a for-sale Market to Affordable Program. A current listing of properties available for sale as of November 2008 is included in the Appendices.

Brigantine is calculating an average market rate sales price of \$136,727 in Spartan Harbor with an average affordable sales price of \$66,150, Brigantine estimates an average subsidy of \$70,577.

Brigantine has contracted with TRIAD Associates to administer the program.

Brigantine also has over 1,900 market rate rental apartments. Brigantine is proposing to approach owners of market rate complexes to write down two units so that they are affordable to a moderate income household and very low income household.